

52 16.12.2020
rkd Ct. No.28
(Allowed)

**C.R.M. 9692 of 2020
(Through Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Hanskhali** P.S. Case No. **410 of 2020** dated **25/08/2020** under Sections **376/511/506** of the Indian Penal Code and under Section **8** of the POCSO Act.
And

In the matter of: Injamamul Mondal

....petitioner.

Mr. S. De,
Mr. K. Shome

...for the petitioner.

Ms. S. Bhattacharyya,
Md. Kutubuddin

...for the State.

Petitioner is in custody for 116 days.

Learned counsel appearing on behalf of the State opposes the prayer for bail.

We have considered the materials on record. Allegation of forcible sexual assault may be assessed in the light of the submission that there was amorous relationship between the parties and the victim had refused medical examination. Under such circumstances and in view of the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner is directed to be released on bail upon furnishing a Bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Nadia subject to the condition that during bail he shall appear before the learned trial court regularly till disposal of the trial and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)